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*Attorneys for Defendant*

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**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

DAYCO FUNDING CORPORATION, a  
California corporation,

Plaintiffs,

vs.

SHUMWAY VAN, LLC, a Nevada limited liability company; TRITON GRADING & PAVING, LLC, a Nevada limited liability company; SOUTHWEST MASONRY, LLC, a Nevada limited liability company; TRITON GRADING EQUIPMENT LEASING, INC., a Nevada corporation; MICHAEL LEAVITT, an individual; LUCAS LEAVITT, an individual; MARCUS LEAVITT, an individual; TYLER LEAVITT, an individual; VAN CHASE LAW, LLC, a Nevada limited liability company dba VC2 LAW; TEXAS SUITS, LLC, a Texas limited liability company; ROBERTSON ALGER & SPJUTE, PLLC, a Utah professional limited liability company; and DOES 4-20, inclusive,

Defendants.

CASE NO: 2:23-cv-01186-JCM-VCF

**STIPULATION AND ORDER  
REGARDING REMAND TO STATE  
COURT**

Pursuant to L.R. 7-1, the parties to this action hereby jointly stipulate as follows and request entry of the proposed order set forth below:

**RECITALS**

WHEREAS, on January 31, 2020, Plaintiff Dayco Funding Corporation (“Plaintiff” or “Dayco”), filed a Complaint (the “Complaint”) commencing the underlying litigation (the

1 “Litigation”), in the Second Judicial District Court for the State of Nevada, County of  
 2 Washoe (Case No. CV20-00194), asserting claims against Defendants Triton Grading &  
 3 Paving, LLC (“Triton Paving”), Southwest Masonry, LLC (“Southwest Masonry”), Triton  
 4 Grading Equipment Leasing, Inc. (“Triton Grading”), Michael Leavitt, Lucas Leavitt,  
 5 Marcus Leavitt, and Tyler Leavitt (collectively the “Leavitts”), and Shumway Van, LLC  
 6 (“Shumway Van”) (Triton Paving, Southwest Masonry, Triton Grading, the Leavitts, and  
 7 Shumway Van are sometimes all collectively referred to herein as the “Original  
 8 Defendants”).

9 WHEREAS, on or about March 17, 2020, the Litigation was transferred from the  
 10 Second Judicial District Court for the State of Nevada, County of Washoe, to the Eighth Judicial  
 11 District Court for the State of Nevada, County of Clark (Case No. A-20-812984-C).

12 WHEREAS, on June 16, 2023, Dayco filed a First Amended Complaint (the “First  
 13 Amended Complaint”) in the Litigation, asserting claims against the Original Defendants, and also  
 14 against additional Defendants Robertson Alger & Spjute, PLLC (“RAS”), Van Chase Law,  
 15 LLC dba VC2 Law (“VC2 Law”), and Texas Suits, LLC (“Texas Suits”) (RAS, VC2 Law, and  
 16 Texas Suits are sometimes collectively referred to herein as the “Additional Defendants”, and  
 17 together, the Original Defendants and the Additional Defendants are sometimes collectively  
 18 referred to herein as the “Defendants”).

19 WHEREAS, on July 26, 2023, RAS removed the Litigation to the United States District Court  
 20 for the District of Nevada pursuant to 28 U.S.C. §§ 1332, 1441, and 1446 (the “Removal”).

21 WHEREAS, all of the Defendants consented to the Removal; however, Texas Suits did  
 22 not sign the Removal for the reasons set forth therein, and has not yet appeared in this case.

23 WHEREAS, on August 14, 2023, Plaintiff filed a Motion to Remand and for Attorney’s  
 24 Fees (ECF No. 11) (the “Motion to Remand”).

25 WHEREAS, RAS has not yet filed an Opposition to Plaintiff’s Motion to Remand.

26 WHEREAS in the interests of conserving judicial and litigants’ time and resources,  
 27 Plaintiff and Defendants hereby request that the Court enter the proposed order set forth below to  
 28

remand the Litigation back to the Eighth Judicial District Court for the State of Nevada,  
County of Clark, with each party to bear their own attorneys' fees and costs.

### STIPULATION

NOW, THEREFORE, Plaintiff and Defendants in the above-captioned Litigation hereby stipulate and agree that the Litigation should be remanded back to the Eighth Judicial District Court for the State of Nevada, County of Clark, with each party to bear their own attorneys' fees and costs.

Dated this 25<sup>th</sup> day of August, 2023

REID RUBINSTEIN & BOGATZ

By: /s/ I. Scott Bogatz, Esq.

I. Scott Bogatz, Esq.

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*Attorneys for Defendant Robertson Alger & Spjute, PLLC*

Dated this 25<sup>th</sup> day of August, 2023

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By: /s/ Nicholas J. Santoro, Esq.

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*Attorneys for Defendant Van Chase Law, LLC dba VC2 Law*

Dated this 25<sup>th</sup> day of August, 2023

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Dated this 25<sup>th</sup> day of August, 2023

KING SCOW KOCH DURHAM, LLC

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Dated this 25<sup>th</sup> day of August, 2023

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*Attorneys for Plaintiff Dayco Funding  
Corporation*

**[PROPOSED] ORDER**

Pursuant to the stipulation set forth above, it is hereby ordered that the Litigation is remanded back to the Eighth Judicial District Court for the State of Nevada, County of Clark, with each party to bear their own attorneys' fees and costs.

**IT IS SO ORDERED.**

DATED August 28, 2023

  
UNITED STATES DISTRICT COURT JUDGE

REID RUBINSTEIN & BOGATZ

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